

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

DARRON VAUGHN JEFFRIES,

Plaintiff,

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UNIVERSITY OF MAINE GRADUATE
SCHOOL AND UNIVERSITY OF MAINE
SCHOOL OF AGRICULTURE,

Defendants.

Civil No. 05-97-B-W

**ORDER AFFIRMING THE
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge filed with the Court on July 13, 2005 her Recommended Decision on Plaintiff's Motion for a Temporary Restraining Order in the above-captioned matter (Docket No. 5). Although notified of his obligation to do so, the Plaintiff failed to file a formal timely objection to the Recommended Decision as required by 28 U.S.C. § 636(b)(1); however, on August 1, 2005, the Plaintiff filed an Amended Complaint.¹ (Docket No. 6).

It is unclear whether the Plaintiff intended the Amended Complaint to be an objection to the Recommended Decision or only a new set of allegations. Magistrate Judge Kravchuk recommended this Court deny the motion for temporary restraining order without prejudice based on her review of the allegations in the original complaint and the Plaintiff may have filed the Amended Complaint to respond to the objection notice in the Recommended Decision.

¹ Plaintiff's Amended Complaint is permissible since it was filed before a responsive pleading has been served. *See* Fed. R. Civ. P. 15(a).

Under either possibility, this Court affirms the Recommended Decision. If this Court construes the Amended Complaint solely as captioned and not as an objection, it accepts the Recommended Decision, since no objections have been filed to the Magistrate Judge's Recommended Decision filed June 13, 2005.

If the Court construes the Amended Complaint as an objection to the Recommended Decision, it has reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; it has made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and, it concurs with the recommendation of the United States Magistrate Judge for the reasons set forth in her Recommended Decision, and determines that no further proceeding is necessary.

1. It is therefore ORDERED that the Recommended Decision of the Magistrate Judge is hereby AFFIRMED.
2. It is therefore ORDERED that Plaintiff's Motion for a Temporary Restraining Order is DENIED without prejudice.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 10th day of August 2005